

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
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4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 32-5524  
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-345

12 **MARK WILLIAM NORRIS**  
2015 Avenue C  
13 Scottsbluff, NE 69361

**A C C U S A T I O N**

14 Registered Nurse License No. 679090

15 Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **Registered Nurse License**

23 2. On or about May 10, 2006, the Board issued Registered Nurse License  
24 Number 679090 to Mark William Norris ("Respondent"). The registered nurse license expired  
25 on May 31, 2008.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse  
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the  
12 following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any other  
14 disciplinary action against a health care professional license or certificate by  
15 another state or territory of the United States, by any other government agency, or  
16 by another California health care professional licensing board. A certified copy of  
17 the decision or judgment shall be conclusive evidence of that action.

18 6. Code section 125.3 provides, in pertinent part, that the Board may request  
19 the administrative law judge to direct a licensee found to have committed a violation or  
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
21 and enforcement of the case.

### 22 CAUSE FOR DISCIPLINE

#### 23 (Out-of-State Discipline)

24 7. Respondent's license is subject to disciplinary action under Code section  
25 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been  
26 disciplined by other state nursing boards, as follows:

27 a. Effective October 4, 2007, pursuant to the Stipulation and Final Agency  
28 Order filed by the Colorado State Board of Nursing, Case No. 2008-000534, attached hereto as  
29 **Exhibit "A"** and incorporated herein, Respondent permanently relinquished his Colorado  
30 Registered Nurse License No. 181805. As a part of the stipulation, Respondent agreed to never  
31 again apply for a license to practice in a health care occupation, including any nursing licensure

1 in the State of Colorado. The basis for discipline was that on or about August 4, 2007,  
2 Respondent was arrested by the Orange County Sheriff's Office in Orange County, Florida and  
3 charged with voyeurism and disorderly conduct for observing approximately eight boys between  
4 10-12 years of age using the urinals and bathroom stalls at the Sea World theme park in Florida.

5 b. Effective October 15, 2007, pursuant to the Surrender Agreement filed by  
6 the Massachusetts Board of Registration in Nursing, Case No. RN-08-023, attached hereto as  
7 **Exhibit "B"** and incorporated herein, Respondent surrendered his Massachusetts Registered  
8 Nurse License No. 276211, for an indefinite period of time. The basis for discipline is more  
9 particularly set forth in subparagraph a, above.

10 c. Effective November 29, 2007, pursuant to the Order on Agreed Settlement  
11 filed by the Nebraska Department of Health and Human Services, Case No. 80-070303, attached  
12 hereto as **Exhibit "C"** and incorporated herein, Respondent voluntarily surrendered his Nebraska  
13 Registered Nurse License No. 58708, for a period of not less than two years. The basis for  
14 discipline is more particularly set forth in subparagraph a, above.

15 d. Effective October 15, 2007, pursuant to the Final Order filed by the State  
16 of Florida, Board of Nursing, Case No. 2007-22813, attached hereto as **Exhibit "D"** and  
17 incorporated herein, Respondent voluntarily relinquished his Florida Registered Nurse License  
18 No. RN 9263390, Further, Respondent agreed never to again reapply for licensure as a registered  
19 nurse in the State of Florida. The basis for discipline is more particularly set forth in  
20 subparagraph a, above.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

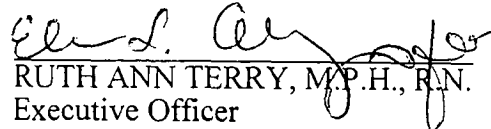
24 1. Revoking or suspending Registered Nurse License Number 679090, issued  
25 to Mark William Norris;

26 2. Ordering Mark William Norris to pay the Board of Registered Nursing the  
27 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
28 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: June 11, 2008

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

03579110SA2008301682  
10442114.wpd  
ela (6/4/08)  
ps (5/19/08)

***EXHIBIT A***  
***Stipulation and Final Agency Order***  
***Colorado State Board of Nursing, Case No. 2008-345***

# STATE OF COLORADO

**STATE BOARD OF NURSING**  
Mark Merrill, Program Director

1560 Broadway, Suite 1370  
Denver, Colorado 80202  
Phone (303) 894-2430  
Fax (303) 894-7693  
TTY: Dial 711 for Relay Colorado  
[www.dora.state.co.us/nursing](http://www.dora.state.co.us/nursing)

**Department of Regulatory Agencies**  
D. Rico Munn, Executive Director

**Division of Registrations**  
Rosemary McCool, Director

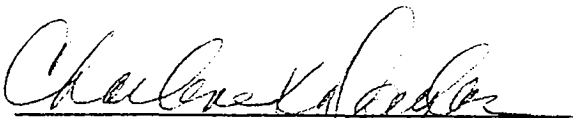


Bill Ritter, Jr.  
Governor

## CERTIFIED COPY

I hereby certify that the attached is a true and correct copy of the Order of Summary Suspension and Stipulation and Final Agency Order regarding the license to practice as a professional nurse of Mark William Norris in the State of Colorado.

In testimony whereof, I sign my name and affix the seal of this Board at Denver, Colorado, on the 14th day of February 2008.

  
Charlene K. Douglas, Complaint Specialist

BEFORE THE STATE BOARD OF NURSING  
STATE OF COLORADO

2008-000534

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**STIPULATION AND FINAL AGENCY ORDER**

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IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE  
TO PRACTICE PROFESSIONAL NURSING IN THE STATE OF COLORADO OF  
MARK WILLIAM NORRIS, R.N., LICENSE NO. 181805

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IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel B (the "Board") and Mark William Norris, R.N. ("Respondent"), as follows:

1. Respondent was licensed to practice as a professional nurse in the State of Colorado on June 28, 2007, has been licensed at all relevant times herein and is now so licensed.
2. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Final Agency Order ("Order").
3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case number 2008-000534 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
4. Respondent understands and acknowledges that:
  - a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent has voluntarily chosen to proceed without representation;
  - b. Respondent has the right to a formal disciplinary hearing pursuant to § § 12-38-116.5 and 24-4-105, C.R.S.;
  - c. By entering into this Order, Respondent knowingly and voluntarily waives the right to a hearing, admits the facts contained in this Order, and relieves the Board of its burden of proving such facts;

- d. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board; and
- e. By entering into this Order, Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

5. The Board alleges:

- a. On August 4, 2007, Respondent was arrested by the Orange County Sheriff's Office in Orange County, Florida;
- b. On that date, Respondent was charged with voyeurism and disorderly conduct under Florida law;
- c. During the investigation, Respondent admitted he had observed eight boys between 10-12 years of age use the restroom at Sea World, a location where the boys have a reasonable expectation of privacy;
- d. Respondent also admitted he had observed the boys' intimate parts, as defined under Colorado law in § 18-3-401(2), C.R.S., in the restroom;
- e. Further, Respondent observed the boys' intimate parts for his own sexual gratification;
- f. Respondent has engaged in conduct constituting a crime as defined in title 18, C.R.S., and which relates to such person's employment as a practical or professional nurse

6. Respondent denies the allegation(s) in paragraph 5 above, yet acknowledges that, if the Board were to prove the allegations at hearing, it would constitute a prima facie case of a violation of the Nurse Practice Act, § 12-38-117(1)(l) C.R.S., and would subject Respondent to discipline.

7. The Board is authorized to suspend, revoke or otherwise discipline any licensee as provided in §12-38-108(1)(b.5), C.R.S. for any of the following:

**12-38-117. Grounds for discipline.** (1) "Grounds for discipline," as used in this article, means any action by any person who:

- (l) Has engaged in any conduct which would constitute a crime as defined in title 18, C.R.S., and which conduct relates to such person's employment as a practical or professional nurse. In conjunction with any disciplinary proceeding pertaining to this

paragraph (l) , the board shall be governed by the provisions of section 24-5-101, C.R.S..

8. Respondent hereby permanently relinquishes the license and the right to practice as a Professional nurse in the State of Colorado, and requests that this Order be accepted by the Board with the same force and effect as an Order entered as a result of a formal disciplinary hearing. The Board finds that it is in the public interest to accept said relinquishment with the full force and effect of a revocation ordered by the Board.

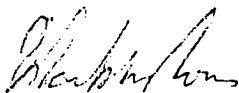
9. Respondent agrees to never again apply for a license to practice a health care occupation, including any nursing licensure, in the State of Colorado. Respondent tenders his/her professional nursing license simultaneously with the execution of this document.

10. This Order shall become an Order of the Board when accepted by the Board and signed by an authorized Board representative.

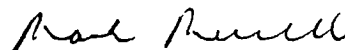
11. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the Healthcare Integrity and Protection Data Bank and as otherwise required by state or federal law.

RESPONDENT

STATE BOARD OF NURSING



Mark William Norris, R.N.



MARK MERRILL

Program Director

State Board of Nursing

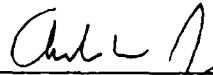
1560 Broadway, Suite 1370

Denver, Colorado 80202

Effective Date: This 4<sup>th</sup> day of October,  
2007.

APPROVED AS TO FORM

JOHN W. SUTHERS  
Attorney General



---

ANDREW W. JURIS, #31988\*  
Assistant Attorney General  
Business and Licensing Section

Attorneys for the State Board of Nursing

1525 Sherman Street, 7th Floor  
Denver, Colorado 80203  
Telephone: (303) 866-5145  
FAX: (303) 866-5395  
\*Counsel of Record

***EXHIBIT B***  
***Surrender Agreement***  
***Massachusetts Board of Registration in Nursing***  
***Case No. RN-08-023***

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING

In the Matter of  
Mark W. Norris  
RN License No. 276211

Docket No. RN-08-023

SURRENDER AGREEMENT

The Massachusetts Board of Registration in Nursing (Board) and Mark W. Norris (Licensee), a Registered Nurse (RN) licensed by the Board, License No. 276211, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee hereby agrees and acknowledges that this Surrender Agreement (Agreement) is entered into in resolution of the Board's investigation of a complaint filed against his Massachusetts nursing license, Docket No. RN-08-023. For the purposes of this Agreement, the words "nursing license" or "license" shall refer to both a license if the license is current, and to the right to renew such license if the license has expired.
2. The Licensee states that he is SURRENDERING to the Board his license to practice as a Registered Nurse. The Licensee acknowledges that his conduct, as documented in Docket No. RN-08-023, constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03 (47) and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions. Specifically, the Licensee denies all allegations; however, he agrees that if the Board could obtain sufficient evidence at hearing, the Board could find that the state of Nebraska summarily suspended his license to practice as a Registered Nurse on August 23, 2007 due to his arrest in the state of Florida on or about August 4, 2007. Further, the state of Colorado summarily suspended his license to practice as a Registered Nurse on August 30, 2007 due to his arrest in Florida on or about August 4, 2007 in connection with an incident at a public restroom at an amusement park. The charges pending in Florida include disorderly conduct and voyeurism.
3. The Licensee understands that the SURRENDER of his nursing license is for an indefinite period, commencing with the Effective Date of this Agreement, which is the date on which the Board signs this Agreement (Effective Date). The Licensee may petition the Board in writing for reinstatement of his Massachusetts

license. With such petition, the Licensee shall submit documentation satisfactory to the Board of his ability to practice nursing in a safe and competent manner including, but not limited to

- a. Certified documentation sent from the court directly to the Board verifying that:
  - i. the Licensee has not had any conviction, judgment of guilt, or other adverse finding entered against him on, any and all criminal charge(s) arising from, or in any way related to, the matters set forth in Paragraph 2, above, and
  - ii. all criminal cases and matters arising from, or in any way related to, the matters set forth in Paragraph 2, above, have been dismissed and closed.
- b. Written authorization by the Licensee sufficient to allow the Board to obtain a Criminal Offender Record Information (CORI) report of the Licensee conducted by the Massachusetts Criminal History Systems Board. In addition, Licensee must provide written authorization sufficient to allow the Board to obtain his criminal record information in other state and federal databases.
- c. Assist the Board in obtaining written verification that there are no pending actions or obligations, criminal or administrative, against the Licensee before any court or administrative body and further assist the Board in determining whether in the *one (1) year prior to any petition for reinstatement* he satisfactorily completed any and all court-ordered requirements imposed on him in connection with any criminal conviction or matter.
- d. A comprehensive, clinically based, written evaluation of the Licensee by a Massachusetts Board of Nursing approved, licensed, board certified psychiatrist who is certified in the subspecialty of forensics psychiatry (forensic provider). The evaluation shall be written on the forensic provider's letterhead stationary, sent directly to the Board and completed within thirty (30) days immediately before the Licensee petitions the Board for reinstatement. The evaluation must verify that said provider has reviewed this Agreement and the specific conduct upon which it is based in conjunction with conducting the evaluation, and substantiate that the Licensee is able to practice nursing in a safe and competent manner. The evaluation shall be completed in accordance with all accepted standards for such an evaluation and shall also include all of the following:

- i. A list of the Licensee's prescribed medications with the medical necessity for each prescription.
  - ii. A detailed description of the Licensee's past medical and psychological histories, diagnoses, treatments and prognoses.
  - iii. Assessments of the Licensee in each of the following areas:
    - A. Cognition - orientation to time, place and person; ability to recognize and organize responsibilities accurately and to make accurate, appropriate decisions; critical thinking ability sufficient for appropriate clinical judgment; and ability to collect and analyze data to problem solve efficiently and accurately, and to identify cause and effect relationships accurately.
    - B. Affective - interpersonal skills sufficient to interact appropriately and honestly with individuals, families and groups; and ability to recognize and conform to lawful standards of social conduct.
    - C. Ability to recognize and adhere to professional boundaries.
  - iv. Assessments of the risks of danger, aggression, violence, or harm that the Licensee may pose to patients, vulnerable individuals and others; his ability to control his impulses; his ability to recognize and maintain appropriate boundaries with patients, vulnerable individuals and others; and the likelihood that he will repeat any of the conduct that gave rise to this Surrender Agreement.
  - v. Detailed recommendations for the Licensee's on-going treatment and specific treatment plan.
- e. A comprehensive, clinically based, written evaluation of the Licensee from his primary medical care provider and any other specialist(s) with whom he may have consulted, completed within thirty (30) days preceding any petition for reinstatement including the Licensee's past medical history and treatment(s), and current medical condition(s) and treatment(s), and verifying the Licensee's ability to resume the safe and competent practice of nursing, together with a list of all prescribed medications and the medical necessity for each prescription.
4. Evidence of completion of all continuing education required by Board regulations within the two (2) renewal cycles immediately preceding his reinstatement petition. The Board may choose to reinstate said license if the Board determines that reinstatement is in the best interests of the public at large.

5. The Licensee also agrees that any reinstatement of his nursing license by the Board after the Effective Date of this Agreement as provided above under Paragraph 3 may be conditioned upon his entering into a consent agreement for the PROBATION of his nursing license for a period of time (Probationary Period). The Probationary Period shall be for a duration, and include requirements, that the Board shall determine at the time of any relicensure are reasonably necessary in the best interests of the public health, safety and welfare.
6. The Licensee agrees that he will not practice as a Registered Nurse in Massachusetts from the Effective Date of this Agreement unless and until the Board reinstates his license. The Licensee understands that practice as a nurse includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a nurse, or a paid or voluntary position requiring that the applicant hold a current nursing license.
7. The Licensee further understands that if he accepts a voluntary or paid position as a Registered Nurse or engages in any practice of nursing after the Effective Date of this Agreement and before the Board formally reinstates his nursing license as provided herein, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, §§ 65 and 80.
8. The Licensee understands that this surrender of his license is a final act depriving him of all privileges of nursing licensure and is not subject to reconsideration or judicial review.
9. The Licensee states that he has used legal counsel in connection with the decision to surrender his license or, if he has not used legal counsel, that the decision not to use legal counsel has been one taken of his own free will.
10. The Licensee understands that the Board is authorized to forward a copy of this Agreement to other interested licensing boards, law enforcement entities, and to any other individual or entity as required or permitted by law.
11. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Surrender Agreement, the Board will not prosecute before itself the allegations arising from its investigation in connection with Docket No. RN-08-023.
12. The Licensee agrees to return to the Board, by hand or by certified mail, his current Massachusetts license to practice as a Registered Nurse, License No. 276211, and two (2) duplicate originals of this Agreement, signed, witnessed and dated, within fifteen (15) days of his receipt of the Agreement.

13. The Licensee certifies that he has read this document entitled "Surrender Agreement." The Licensee understands that he has the right to a formal adjudicatory hearing concerning the allegations against him and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other applicable rights set forth in the Massachusetts Administrative Procedure Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et seq.* The Licensee further states that he understands that in executing this document entitled "Surrender Agreement," he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above-listed rights attendant thereto.

Mimi Norris 9-29-07      Mark W. Norris 9-29-07  
Witness (sign and date)      Mark W. Norris, RN  
Licensee (sign and date)

Mimi Norris  
Witness (print name)

Rula Harb  
Rula Harb, MSN, RN  
Executive Director  
Board of Registration in Nursing

October 15, 2007

Effective Date of license Surrender

Fully Signed Agreement Sent to Licensee by Certified Mail No. 7006 2760 0003 7734 097.

***EXHIBIT C***  
***Order on Agreed Settlement***  
***Nebraska Department of Health and Human Services***  
***Case No. 80-070303***

2007-11-17  
PP  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA

Received

DEC 05 2007

Investigations  
80 - 070303

STATE OF NEBRASKA ex rel.,  
JON BRUNING, Attorney General,

Plaintiff,

v.

MARK W. NORRIS, R.N.,

Defendant.

ORDER  
ON AGREED SETTLEMENT

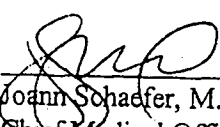
A PROPOSED AGREED SETTLEMENT was filed with the Department on November 16, 2007.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

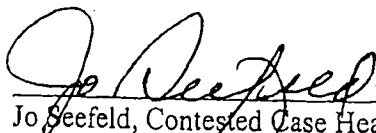
DATED this 29 day of November, 2007



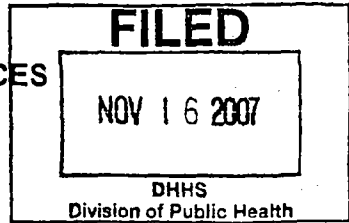
  
Joann Schaefer, M.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 30<sup>th</sup> day of November, 2007 a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent by certified United States mail, postage prepaid, return receipt requested to Nancy R. Wynner, DeMARS GORDON OLSON & ZALEWSKI, P.O. Box 81607, Lincoln NE 68501-1607 and by interagency mail to Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.

  
Jo Seefeld, Contested Case Hearing Program  
DHHS Division of Public Health  
P.O. Box 95026  
Lincoln, NE 68509-5026  
Phone (402) 471-0384 Fax (402) 471-0383

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON  
BRUNING, Attorney General,

Plaintiff,

MARK W. NORRIS, R.N.,

Defendant.

AGREED SETTLEMENT

The Plaintiff and the Defendant, Mark W. Norris, R.N., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. At all times relevant herein, the Defendant, Mark W. Norris, R.N. has been the holder of a license (#58708) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") to practice nursing.

2. The Defendant acknowledges receipt of a copy of the Amended Petition for Disciplinary Action and Temporary License Suspension and waives the need for further service of the Petition upon him.

3. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.

4. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

5. The Defendant acknowledges that he has read the Amended Petition for Disciplinary Action and Temporary License Suspension filed by the Attorney General's

Office. The Defendant pleads no contest to the allegations of the Amended Petition for Disciplinary Action and Temporary License Suspension.

6. The Defendant understands that the Chief Medical Officer will enter a final disciplinary order finding the allegations of the Amended Petition for Disciplinary Action and Temporary License Suspension are true.

7. The Plaintiff and the Defendant consent to the Department's Chief Medical Officer entering a final disciplinary order allowing the Defendant to voluntarily surrender his license to practice nursing in the State of Nebraska in lieu of a further public disciplinary hearing.

8. The Defendant acknowledges that said voluntary surrender is for a minimum period of two years and reinstatement of his license to practice as a nurse in the State of Nebraska is at the discretion of the Department and upon approval of the Nebraska Board of Nursing.

9. The Defendant further acknowledges that said voluntary surrender includes Defendant's privilege to practice nursing in the State of Nebraska under the Nurse Licensure Compact.

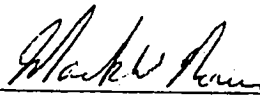
10. The Defendant acknowledges that said voluntary surrender of his privilege to practice nursing in the State of Nebraska under the Nurse Licensure Compact is for a period of two (2) years and reinstatement of said privilege is at the discretion of the Department and upon approval of the Nebraska Board of Nursing.

11. Any Nebraska medical license now in the possession of the Defendant shall be surrendered to the Department upon the entry of the Chief Medical Officer's Order of Agreed Settlement.

12. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Nursing and has received their input in accordance with NEB. REV. STAT. § 71-161.03 (Reissue 2003).

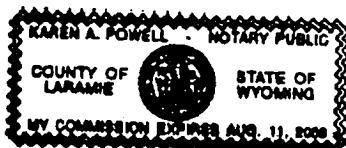
13. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing.

AGREED TO:

  
Mark W. Norris, R.N.  
Defendant

State of ~~Nebraska~~ Wyoming )  
County of Laramie ) ss.

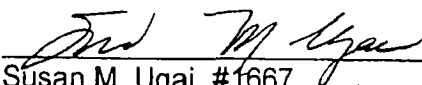
Acknowledged before me by Mark W. Norris, R.N., on this 5th day of November, 2007.



  
Notary Public

STATE OF NEBRASKA, ex rel. JON BRUNING, Attorney General, Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY:   
Susan M. Ugai, #1667  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-9658

Attorneys for Plaintiff.

34-177aa.2-14

***EXHIBIT D***  
***Final Order***  
***State of Florida, Board of Nursing***  
***Case No. 2007-22813***

Charlie Crist  
Governor

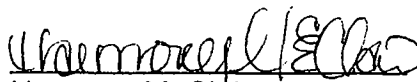


Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

CERTIFICATION

I, **Harmony McClain**, Deputy Agency Clerk and Custodian of Records, HEREBY certify the following to be true and correct as on file with the Department of Health.

Attached is a true and correct copy of a Final Order from Case Number **200722813** as maintained by the Department of Health. The attached is a regularly received and retained record of the **Board of Nursing vs. Mark Norris**, and is received and retained in the ordinary course of business of the Department of Health.

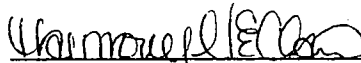
  
Harmony McClain  
Deputy Agency Clerk

Charlie Crist  
Governor



Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

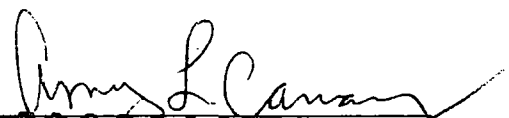
Personally appeared before me, the undersigned authority, **Harmony McClain**, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, who being sworn, says that this is a true and correct copy from the official file of the Department of Health.

  
Harmony McClain  
Deputy Agency Clerk

STATE OF FLORIDA  
COUNTY OF LEON

Before me, personally appeared Harmony McClain whose identity is personally known to me as Deputy Agency Clerk, and who, acknowledges that his/her signature appears above.

Sworn and subscribed to, before me, this 20<sup>th</sup> day of Febraury, 2008.

  
Notary Public - State of Florida  
Notary Public - State of Florida  
My Commission Expires Jan 17, 2010  
Commission # DD 473177  
Bonded By National Notary Assn.

Type or Print Name

FILED DATE - 11/28/07  
Department of Health

By:

Deputy Agency Clerk

Petitioner,

vs.

Case No.: 2007-22813

License No.: RN 9263390

MARK W. NORRIS,

Respondent .

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 12, 2007, in Jacksonville for consideration of Respondent's voluntary relinquishment (attached hereto as Exhibit A). Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

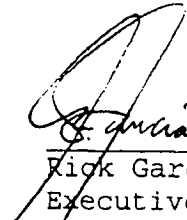
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BEFORE

DONE AND ORDERED this 15 day of OCTOBER

2007.

BOARD OF NURSING

  
Rick García, MS, RN, CCM  
Rick García, MS, RN, CCM  
Executive Director for  
Vicky Stone-Gale, MSN, ARNP  
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to MARK W. NORRIS, 2015 Avenue C, Scottsbluff, NE 69361; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Kathryn Price, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 28th day of November, 2007.

  
Jackie Ryce  
Deputy Agency Clerk

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Racine*  
DATE: 10.9.07

DEPARTMENT OF HEALTH,

Petitioner,

CASE NO. 2007-22813

Mark W. Norris, RN

Respondent.

MOTION FOR FINAL ORDER  
BASED UPON A VOLUNTARY RELINQUISHMENT OF LICENSE

**COMES NOW**, the Petitioner, by and through its undersigned counsel, and moves the Board of Nursing for entry of a Final Order in the above-styled cause. As grounds therefore, the Petitioner would state the following:

1. On or about **August 15, 2007**, a Uniform Consumer Complaint was filed with the Department of Health, alleging that the Subject violated the provisions of Chapter 464 or Chapter 456, Florida Statutes.

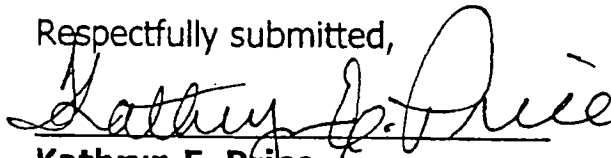
2. In lieu of undergoing further disciplinary proceedings, the Respondent returned an executed Voluntary Relinquishment of his/her license in which the Respondent agrees to never again reapply for licensure as a **Registered Nurse** in the State of Florida.

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ESC

3. Respondent has been advised, by a copy of this Motion, that a copy of the investigative file in this case shall be furnished to the Board to establish a prima facie case regarding the violations as set forth in the Uniform Consumer Complaint

**WHEREFORE** the parties respectfully request the Board of enter a Final Order incorporating the terms of the Voluntary Relinquishment of Licensure.

Respectfully submitted,

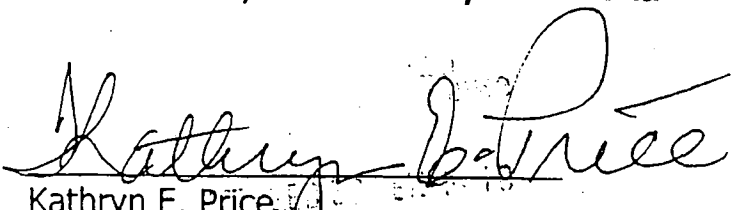


**Kathryn E. Price**

Assistant General Counsel  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
(850) 245-4640 telephone  
(850) 245-4683 facsimile  
Florida Bar No. **850860**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing has been provided by U.S. certified mail this 9th day of October, 2007, to: **Mark W. Norris, 2015 Avenue C, Scottsbluff, Nebraska 69361.**



Kathryn E. Price  
Assistant General Counsel

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,  
Petitioner,

v.

Case Number RN2007-22813

MARK W. NORRIS, R.N.  
Respondent,

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VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Mark W. Norris, Registered Nurse, License No. 9263390, hereby voluntarily relinquishes Respondent's license to practice as a Registered Nurse in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Nursing of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a Registered Nurse in the State of Florida.
3. Respondent agrees to voluntarily cease practicing as a Registered Nurse immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice as a Registered Nurse until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.
4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate,

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pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10), Florida Statutes

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 27 day of September, 2007.

Mark W. Norris  
Mark W. Norris, R.N.

STATE OF Nebraska COUNTY OF Scotts Bluff  
Before me, personally appeared Mark William Norris, whose identity is known to me by Nebraska Drivers License (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 27th day of Sept., 2007.

Joan Harris  
NOTARY PUBLIC, STATE OF Nebraska

My Commission Expires:

March 17, 2010

